

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

SUCCESSION OF HARRIET GOLSBY TRUSSELL,	CIVIL ACTION NO. _____
Plaintiff,	SECTION _____
VERSUS	JUDGE _____
TERESA DO,	MAG. JUDGE _____
Defendant.	

NOTICE OF REMOVAL

NOW INTO COURT, through undersigned counsel, comes defendant Teresa Do (“Dr. Do”), who, with a full reservation of rights, files this Notice of Removal and avers that this matter is hereby removed to this Court on the following grounds:

1.

On or about April 13, 2022, plaintiff the Succession of Harriet Golsby Trussell (the “Succession”), filed this action in the 1st Judicial District Court for the Parish of Caddo, entitled “*Succession of Harriet Golsby Trussell v. Teresa Do*” (the “Petition”), bearing Docket Number 636522, Division “A”. The Caddo Parish Clerk of Court issued the citation the following day. In accordance with 28 U.S.C. § 1446, a copy of the state-court record, including the Petition, is attached hereto as Exhibit 1.

2.

In the Petition, the Succession specified that it would serve Dr. Do through the Louisiana Long-Arm Statute at her business, Retention Nails & Spa, LLC, which is not a party. On May 3, 2022, an employee checked the day’s mail, received the mailing containing the citation and Petition, and gave it to Dr. Do. Because Dr. Do did not sign for the mailing, which was not sent to her home, and no affidavit of long-arm service was filed into the record of the state court action, the Succession has not served Dr. Do properly, and thus Dr. Do Reserves all rights.

3.

Given the foregoing, this Notice of Removal of the case to the United States District Court is timely filed, it being filed no more than thirty (30) days after Dr. Do's receipt of the Petition, in accordance with 28 U.S.C. §§ 1441 and 1446.

PARTIES

4.

Harriet Golsby Trussell was born in Winnsboro, Louisiana, was domiciled in the State of Louisiana, and passed away in Shreveport, Louisiana on January 23, 2021. Thereafter, her succession proceeding was opened in the 1st Judicial District Court for the Parish of Caddo, State of Louisiana, under suit number 628,568. *See* Petition, at ¶¶ 2, 12.

5.

The Succession correctly pleads in its Petition that Dr. Do resides in Charlotte, North Carolina. *See* ¶ 3. In fact, Dr. Do has been domiciled in Charlotte, North Carolina, since 2017. Therefore, there is complete diversity of citizenship between the Succession and Dr. Do.

VENUE

6.

The Succession commenced this matter against Dr. Do in the 1st Judicial District Court for the Parish of Caddo, which is within the Western District of Louisiana, Shreveport Division, and therefore venue is proper in this Court.

JURISDICTION

7.

This Court has original jurisdiction over this action, and this case may be properly removed to this Court pursuant to 28 U.S.C. § 1441(a), in that the captioned matter is a "civil action where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between ... citizens of different states." 28 U.S.C. § 1332(a).

AMOUNT IN CONTROVERSY

8.

While Dr. Do denies the Succession's claims, from the face of the Petition it is evident that the amount in controversy exceeds the \$75,000 jurisdictional threshold because the

Succession prays for judgment in the amount of \$125,091.00, plus an additional \$2,166.00, together with judicial interest, court costs, and attorney's fees. *See* Exhibit 1, Petition, at p. 5; *see also, e.g., McGlynn v. Huston*, 693 F. Supp. 2d 585, 588 (M.D. La. 2010) (holding that a defendant makes the showing that the amount in controversy exceeds \$75,000 when "it is 'facially apparent' from a reading of the complaint that the plaintiff's claims are likely to exceed \$75,000.00").

NOTICE

9.

Dr. Do has provided notice to Succession through delivery of a copy of this Notice of Removal and the state court Notice of Filing of Notice of Removal to the Succession's counsel of record, and has also provided notice to the Clerk of Court for the 1st Judicial District for the Parish of Caddo through the filing of this Notice and the Notice of Filing of Notice of Removal into the record of the state court action. The Notice of Filing of Notice of Removal is attached hereto as Exhibit 2.

WHEREFORE, defendant Teresa Do prays, with a full reservation of rights, that this matter be removed to the United States District Court for the Western District of Louisiana, Shreveport Division, for further proceedings.

Respectfully submitted,

DWYER, CAMBRE & SUFFERN, APLC

s/ Ryan M. McCabe
RYAN M. McCABE (31254) (T.A.)
 3000 W. Esplanade Avenue, Suite 200
 Metairie, Louisiana 70002
 Telephone: (504) 838-9090
 Facsimile: (504) 838-9187
 Email: rmccabe@dwynecambre.com

Attorney for Defendant Teresa Do

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been duly served upon all counsel of record via electronic transmission this 20th day of May, 2022.

/s/ Ryan M. McCabe